

§ 934. Repealed. Pub. L. 92-471, title II, § 203(a), Oct. 9, 1972, 86 Stat. 787

Section, act June 4, 1956, ch. 358, § 5, 70 Stat. 243, provided that service of individuals appointed as United States Commissioners shall not be treated as service for the purposes of certain sections of Title 18, Crimes and Criminal Procedure, and Title 5, Government Organization and Employees.

§ 935. Acquisition of real property; construction and operation of lamprey control works; entry into agreements for construction and operation of works

In order to carry out the obligations of the United States under the Convention, the United States Section is authorized—

(a) to acquire any real property, or any interest therein, by purchase, exchange, gift, dedication, condemnation, or otherwise;

(b) to construct, operate, and maintain any project or works designed to facilitate compliance with the provisions of the Convention relating to the sea lamprey control program; and

(c) to enter into contract or agreement with any State or other public agency or private agency or individual for the construction, operation, or maintenance of any such project or works.

(June 4, 1956, ch. 358, § 6, 70 Stat. 243.)

Statutory Notes and Related Subsidiaries

UNITED STATES FISH AND WILDLIFE SERVICE; WORK ON SEA LAMPREY PROGRAM; REIMBURSEMENTS

Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1918, provided in part that: “beginning October 1, 1990, and thereafter, the United States Fish and Wildlife Service can perform work for the Great Lakes Fishery Commission, authorized by 16 U.S.C. 931-939c, Great Lakes Fisheries [Fishery] Act of 1956, on the sea lamprey program on a reimbursable basis: *Provided further*, That such reimbursements are to be treated as Intragovernmental funds as defined in the publication titled ‘A Glossary of Terms Used in the Federal Budget Process’.”

§ 936. Secretary of the Interior; authority to transfer lamprey control projects and act on behalf of United States Section

The Secretary of the Interior is authorized, upon the request of the United States Section—

(a) to transfer to the United States Section any lamprey control project or works under his jurisdiction now existing or now under construction; and

(b) to act for or on behalf of the United States Section in the exercise of the powers granted by this chapter.

(June 4, 1956, ch. 358, § 7, 70 Stat. 243.)

§ 937. United States Section as agency of United States

The United States Section shall, for the purposes of these¹ provisions of title 28, relating to claims against the United States and tort claims procedure, be deemed to be an agency of the United States.

(June 4, 1956, ch. 358, § 8, 70 Stat. 243.)

¹ So in original. Probably should be “those”.

Editorial Notes

REFERENCES IN TEXT

Provisions of title 28, relating to claims against the United States, referred to in text, include sections 1346(b), 2501 et seq., and 2671 et seq., of Title 28, Judiciary and Judicial Procedure.

§ 938. Notice of proposals

At least thirty days before approving a proposal to utilize a lamprey control measure or install a device in any stream, the United States Section shall cause notice of such proposal to be sent to the official agency having jurisdiction over fisheries in each of the States through which the stream flows.

(June 4, 1956, ch. 358, § 9, 70 Stat. 243.)

§ 939. Transmission of recommendations

The Secretary of State shall upon the receipt from the Commission of any recommendation of a conservation measure made in accordance with article IV of the Convention transmit a copy of the recommendation with his comments thereon to the Governor of each Great Lakes State for consideration and such action as may be found to be appropriate. The Secretary of State shall also inform such other public agencies as he may deem appropriate.

(June 4, 1956, ch. 358, § 10, 70 Stat. 244.)

§ 939a. Cooperation with other agencies

Any agency of the United States Government is authorized to cooperate with the United States Section in the conduct of research programs and related activities and, on a reimbursable or other basis, to enter into agreements with the United States Section for the purpose of assisting it in carrying out the program for the control of lamprey populations.

(June 4, 1956, ch. 358, § 11, 70 Stat. 244.)

§ 939b. State laws and regulations

Nothing in this chapter shall be construed as preventing any of the Great Lakes States from making or enforcing laws or regulations within their respective jurisdictions so far as such laws or regulations do not conflict with the Convention or this chapter.

(June 4, 1956, ch. 358, § 12, 70 Stat. 244.)

§ 939c. Authorization of appropriations

There is hereby authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Convention and this chapter.

(June 4, 1956, ch. 358, § 13, 70 Stat. 244.)

CHAPTER 15B—GREAT LAKES FISH AND WILDLIFE RESTORATION

Sec.	
941.	Findings.
941a.	Purpose.
941b.	Definitions.
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941d.	Goals of United States Fish and Wildlife Service programs related to Great Lakes fish and wildlife resources.

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941e.	Establishment of offices.
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941g.	Authorization of appropriations.
941h.	Great Lakes monitoring, assessment, science, and research.

§ 941. Findings

Congress finds that—

(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

(3) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats on which the resources depend, in the Great Lakes Basin; and

(4) this chapter allows Federal agencies, States, and Indian tribes to work in an effective partnership by providing the funding for restoration work.

(Pub. L. 101-537, title I, §1002, as added Pub. L. 114-322, title III, §3901(b), Dec. 16, 2016, 130 Stat. 1848.)

Editorial Notes

PRIOR PROVISIONS

A prior section 941, Pub. L. 101-537, title I, §1002, Nov. 8, 1990, 104 Stat. 2370; Pub. L. 101-646, title II, §2002, Nov. 29, 1990, 104 Stat. 4773; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §3(b), Oct. 19, 1998, 112 Stat. 2358, related to Congressional findings, prior to repeal by Pub. L. 114-322, title III, §3901(b), Dec. 16, 2016, 130 Stat. 1848.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-326, §1, Oct. 11, 2006, 120 Stat. 1761, provided that: “This Act [amending sections 941b to 941g of this title and enacting provisions set out as notes under this section] may be cited as the ‘Great Lakes Fish and Wildlife Restoration Act of 2006’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-265, §1, Oct. 19, 1998, 112 Stat. 2358, provided that: “This Act [amending this section and sections 941 to 941g of this title and enacting provisions set out as a note under this section] may be cited as the ‘Great Lakes Fish and Wildlife Restoration Act of 1998’.”

SHORT TITLE

Pub. L. 101-537, title I, §1001, Nov. 8, 1990, 104 Stat. 2370, and Pub. L. 101-646, title II, §2001, Nov. 29, 1990, 104 Stat. 4773, as amended by Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091, provided that: “This title [enacting this chapter] may be cited as the ‘Great Lakes Fish and Wildlife Restoration Act of 1990’.” Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b), Oct. 19, 1998, 112 Stat. 2358.

CONTINUED MONITORING AND ASSESSMENT OF STUDY FINDINGS AND RECOMMENDATIONS

Pub. L. 109-326, §8, Oct. 11, 2006, 120 Stat. 1766, which required the Director of the United States Fish and Wildlife Service to monitor fish and wildlife resources of the Great Lakes Basin and to update findings and recommendations of the Great Lakes Fishery Resources Restoration Study, was repealed by Pub. L. 114-322, title III, §3901(h), Dec. 16, 2016, 130 Stat. 1851.

CONGRESSIONAL FINDINGS

Pub. L. 109-326, §2, Oct. 11, 2006, 120 Stat. 1761, provided that: “Congress finds that—

“(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

“(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

“(3) it is in the national interest to undertake activities in the Great Lakes Basin that support sustainable fish and wildlife resources of common concern provided under the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force) [33 U.S.C. 1268 note];

“(4) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin;

“(5) as of the date of enactment of this Act [Oct. 11, 2006], actions are not funded that are considered essential to meet the goals and objectives in managing the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin; and

“(6) the Great Lakes Fish and Wildlife Restoration Act [of 1990] (16 U.S.C. 941 et seq.) allows Federal agencies, States, and tribes to work in an effective partnership by providing the funding for restoration work.”

Pub. L. 105-265, §2, Oct. 19, 1998, 112 Stat. 2358, provided that: “Congress finds that—

“(1) the Great Lakes Fishery Resources Restoration Study, for which a report was submitted to Congress in 1995, was a comprehensive study of the status, and the assessment, management, and restoration needs, of the fishery resources of the Great Lakes Basin, and was conducted through the joint effort of the United States Fish and Wildlife Service, State fish and wildlife resource management agencies, Indian tribes, and the Great Lakes Fishery Commission; and

“(2) the study—

“(A) found that, although State, Provincial, Native American Tribal, and Federal agencies have made significant progress toward the goal of restoring a healthy fish community to the Great Lakes Basin, additional actions and better coordination are needed to protect and effectively manage the fisheries and related resources in the Great Lakes Basin; and

“(B) recommended actions that are not currently funded but are considered essential to meet goals and objectives in managing the resources of the Great Lakes Basin.”

§ 941a. Purpose

The purposes of this chapter are—

(1) to develop and implement proposals for the restoration of fish and wildlife resources in the Great Lakes Basin; and

(2) to provide assistance to the Great Lakes Fisheries Commission, States, Indian Tribes, and other interested entities to encourage cooperative conservation, restoration and management of the fish and wildlife resources and their habitat in the Great Lakes Basin.

(Pub. L. 101-537, title I, §1003, Nov. 8, 1990, 104 Stat. 2371; Pub. L. 101-646, title II, §2003, Nov. 29, 1990, 104 Stat. 4774; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §§3(b), 4, Oct. 19, 1998, 112 Stat. 2358.)

Editorial Notes**CODIFICATION**

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b).

AMENDMENTS

1998—Pub. L. 105-265, §4(1), made technical amendment to reference in original act which appears in introductory provisions as reference to this chapter.

Par. (1). Pub. L. 105-265, §4(4), added par. (1) and struck out former par. (1) which read as follows: “to develop proposals to implement recommendations resulting from that study; and”.

Pub. L. 105-265, §4(2), (3), redesignated par. (2) as (1) and struck out former par. (1) which read as follows: “to carry out a comprehensive study of the status, and the assessment, management, and restoration needs, of the fishery resources of the Great Lakes Basin;”.

Pars. (2), (3). Pub. L. 105-265, §4(3), (5), redesignated par. (3) as (2) and substituted “habitat in” for “habitat of”. Former par. (2) redesignated (1).

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2003, which enacted this section.

§ 941b. Definitions

In this chapter—

(1) the term “Committee” means the Great Lakes Fish and Wildlife Restoration Proposal Review Committee established by section 941c(c) of this title;

(2) the term “Director” means the Director of the United States Fish and Wildlife Service;

(3) the term “Great Lakes Basin” means the air, land, water, and living organisms within the drainage basin of the Saint Lawrence River at or upstream from the point at which the river becomes the international boundary between Canada and the United States;

(4) the term “Indian Tribe” means any Indian tribe, band, village, nation, or other organized group or community that is recognized by the Bureau of Indian Affairs as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin;

(5) the term “lower Great Lakes” means the region in which is located that portion of the Great Lakes Basin which is downstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan;

(6) the term “non-Federal source” includes a State government, local government, Indian tribe, other non-Federal governmental entity, private entity, and individual;

(7) the term “nonindigenous species” means a species of plant, animal, or other organism that did not occur in the Great Lakes Basin before European colonization of North America;

(8) the term “regional project” means authorized activities of the United States Fish and Wildlife Service related to fish and wildlife resource protection, restoration, maintenance, and enhancement impacting multiple States or Indian Tribes with fish and wildlife management authority in the Great Lakes basin;

(9) the term “Report” means the United States Fish and Wildlife Service report enti-

tled “Great Lakes Fishery Resources Restoration Study”, submitted to the President of the Senate and the Speaker of the House of Representatives on September 13, 1995;

(10) the term “restoration” means rehabilitation and maintenance of the structure, function, diversity, and dynamics of a biological system, including reestablishment of self-sustaining populations of fish and wildlife;

(11) the term “State Director” means the head of the agency, department, board, commission, or other governmental entity of each of the States of New York, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and the Commonwealth of Pennsylvania which is responsible for the management and conservation of the fish and wildlife resources of that State; and

(12) the term “upper Great Lakes” means that portion of the Great Lakes Basin which is upstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan.

(Pub. L. 101-537, title I, §1004, Nov. 8, 1990, 104 Stat. 2371; Pub. L. 101-646, title II, §2004, Nov. 29, 1990, 104 Stat. 4774; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §§3(b), 5, Oct. 19, 1998, 112 Stat. 2358, 2359; Pub. L. 109-326, §3, Oct. 11, 2006, 120 Stat. 1761.)

Editorial Notes**CODIFICATION**

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted substantially identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b).

AMENDMENTS

2006—Pars. (1) to (3). Pub. L. 109-326, §3(1), (2), redesignated pars. (2), (3), and (5) as (1) to (3), respectively, and struck out former par. (1) which defined the term “Administrator”.

Par. (4). Pub. L. 109-326, §3(3), inserted before semicolon at end “, and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin”.

Pub. L. 109-326, §3(1), (2), redesignated par. (6) as (4) and struck out former par. (4) which defined the term “fish stock”.

Pars. (5) to (7). Pub. L. 109-326, §3(2), redesignated pars. (7) to (9) as (5) to (7), respectively.

Par. (8). Pub. L. 109-326, §3(2), (4), added par. (8) and redesignated former par. (8) as (6).

Pars. (9) to (14). Pub. L. 109-326, §3(1), (2), redesignated pars. (10), (11), (13), and (14) as (9) to (12), respectively, and struck out former par. (12) which defined the term “Secretary”.

1998—Pub. L. 105-265, §5(1), made technical amendment to reference in original act which appears in introductory provisions as reference to this chapter.

Pars. (2) to (7). Pub. L. 105-265, §5(2), (5), added par. (2) and redesignated former pars. (2) to (6) as (3) to (7), respectively. Former par. (7) redesignated (14).

Par. (8). Pub. L. 105-265, §5(6), added par. (8). Former par. (8) redesignated (9).

Par. (9). Pub. L. 105-265, §5(2), (4), redesignated par. (8) as (9) and substituted “plant, animal, or other organism” for “plant or animal”. Former par. (9) redesignated (12).

Pars. (10), (11). Pub. L. 105-265, §5(7), added pars. (10) and (11). Former par. (10) redesignated (13).

Par. (12). Pub. L. 105-265, §5(2), (8), redesignated par. (9) as (12) and struck out “and” at end.

Par. (13). Pub. L. 105-265, §5(2), (9), redesignated par. (10) as (13) and substituted “; and” for period at end.

Par. (14). Pub. L. 105-265, §5(2), (3), redesignated par. (7) as (14).

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2004, which enacted this section.

§ 941c. Identification, review, and implementation of proposals and regional projects

(a) In general

Subject to subsection (b)(2), the Director—

(1) shall encourage the development and, subject to the availability of appropriations, the implementation of fish and wildlife restoration proposals and regional projects based on the results of the Report; and

(2) in cooperation with the State Directors and Indian Tribes, shall identify, develop, and, subject to the availability of appropriations, implement regional projects in the Great Lakes Basin to be administered by Director in accordance with this section.

(b) Identification of proposals and regional projects

(1) Request by the Director

The Director shall annually request that State Directors and Indian Tribes, in cooperation or partnership with other interested entities and in accordance with subsection (a), submit proposals or regional projects for the restoration of fish and wildlife resources.

(2) Requirements for proposals and regional projects

A proposal or regional project under paragraph (1) shall be—

(A) submitted in the manner and form prescribed by the Director; and

(B) consistent with—

(i) the goals of the Great Lakes Water Quality Agreement, as amended;

(ii) the 1954 Great Lakes Fisheries Convention;

(iii) the 1980 Joint Strategic Plan for Management of Great Lakes Fisheries, as revised in 1997, and Fish Community Objectives for each Great Lake and connecting water as established under the Joint Strategic Plan;

(iv) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

(v) the North American Waterfowl Management Plan and joint ventures established under the plan;

(vi) the strategies outlined through the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force);

(vii) the strategic action plan of the Great Lakes Restoration Initiative; and

(viii) each applicable State wildlife action plan.

(3) Sea lamprey authority

The Great Lakes Fishery Commission shall retain authority and responsibility to formulate and implement a comprehensive program to eradicate or minimize sea lamprey populations in the Great Lakes Basin.

(c) Review of proposals

(1) Establishment of Committee

There is established the Great Lakes Fish and Wildlife Restoration Proposal Review

Committee, which shall operate under the guidance of the United States Fish and Wildlife Service.

(2) Membership and appointment

(A) In general

The Committee shall consist of 2 representatives of each of the State Directors and Indian Tribes, of whom—

(i) 1 representative shall be the individual appointed by the State Director or Indian Tribe to the Council of Lake Committees of the Great Lakes Fishery Commission; and

(ii) 1 representative shall have expertise in wildlife management.

(B) Appointments

Each representative shall serve at the pleasure of the appointing State Director or Tribal Chair.

(C) Observer

The United States Fish and Wildlife Service shall participate as an observer of the Committee.

(D) Recusal

A member of the Committee shall recuse himself or herself from consideration of proposals that the member, or the entity that the member represents, has submitted.

(3) Functions

The Committee shall—

(A) meet at least annually;

(B) review proposals and regional projects developed in accordance with subsection (b) to assess the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of this chapter; and

(C) recommend to the Director any of those proposals and regional projects that should be funded and implemented under this section.

(d) Implementation of proposals and regional projects

(1) In general

After considering recommendations of the Committee and the goals specified in section 941d of this title, the Director shall—

(A) select proposals and regional projects to be implemented; and

(B) subject to the availability of appropriations and subsection (e), fund implementation of the proposals and regional projects.

(2) Selection criteria

In selecting and funding proposals and regional projects, the Director shall take into account the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of other laws applicable to restoration of the fish and wildlife resources and habitat of the Great Lakes Basin.

(e) Cost sharing

(1) In general

(A) Non-Federal share

Except as provided in paragraphs (3) and (5) and subject to paragraph (2), not less

than 25 percent of the cost of implementing a proposal or regional project selected under subsection (d) (excluding the cost of establishing sea lamprey barriers) shall be paid in cash or in-kind contributions by non-Federal sources.

(B) Time period for providing match

The non-Federal share of the cost of implementing a proposal or regional project required under subparagraph (A) may be provided at any time during the 2-year period preceding January 1 of the year in which the Director receives the application for the proposal or regional project.

(2) Authorized sources of non-Federal share

(A) In general

The Director may determine the non-Federal share under paragraph (1) by taking into account—

- (i) the appraised value of land or a conservation easement as described in subparagraph (B); or
- (ii) as described in subparagraph (C), the costs associated with—
 - (I) securing a conservation easement; and
 - (II) restoration or enhancement of the conservation easement.

(B) Appraisal of conservation easement

(i) In general

The value of a conservation easement may be used to satisfy the non-Federal share of the cost of implementing a proposal or regional project required under paragraph (1)(A) if the Director determines that the conservation easement—

- (I) meets the requirements of subsection (b)(2);
- (II) is acquired before the end of the grant period of the proposal or regional project;
- (III) is held in perpetuity for the conservation purposes of the programs of the United States Fish and Wildlife Service related to the Great Lakes Basin, as described in section 941d of this title, by an accredited land trust or conservancy or a Federal, State, or tribal agency;
- (IV) is connected either physically or through a conservation planning process to the proposal or regional project; and
- (V) is appraised in accordance with clause (ii).

(ii) Appraisal

With respect to the appraisal of a conservation easement described in clause (i)—

- (I) the appraisal valuation date shall be not later than 1 year after the price of the conservation easement was set under a contract; and
- (II) the appraisal shall—
 - (aa) conform to the Uniform Standards of Professional Appraisal Practice (USPAP); and
 - (bb) be completed by a Federal- or State-certified appraiser.

(C) Costs of securing conservation easements

(i) In general

All costs associated with securing a conservation easement and restoration or enhancement of that conservation easement may be used to satisfy the non-Federal share of the cost of implementing a proposal or regional project required under paragraph (1)(A) if the activities and expenses associated with securing the conservation easement and restoration or enhancement of that conservation easement meet the requirements of subparagraph (B)(i).

(ii) Inclusion

The costs referred to in clause (i) may include cash, in-kind contributions, and indirect costs.

(iii) Exclusion

The costs referred to in clause (i) may not be costs associated with mitigation or litigation (other than costs associated with the Natural Resource Damage Assessment program).

(3) Regional projects

Regional projects selected under subsection (d) shall be exempt from cost sharing if the Director determines that the authorization for the project does not require a non-Federal cost-share.

(4) Exclusion of Federal funds from non-Federal share

The Director may not consider the expenditure, directly or indirectly, of Federal funds received by any entity to be a contribution by a non-Federal source for purposes of this subsection.

(5) Effect on certain Indian tribes

Nothing in this subsection affects an Indian tribe affected by an alternative applicable cost sharing requirement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).¹

(Pub. L. 101-537, title I, §1005, Nov. 8, 1990, 104 Stat. 2372; Pub. L. 101-646, title II, §2005, Nov. 29, 1990, 104 Stat. 4775; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §§3(b), 6, Oct. 19, 1998, 112 Stat. 2358, 2359; Pub. L. 109-326, §4, Oct. 11, 2006, 120 Stat. 1762; Pub. L. 114-322, title III, §3901(c), Dec. 16, 2016, 130 Stat. 1848.)

Editorial Notes

REFERENCES IN TEXT

The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, referred to in subsec. (b)(2)(B)(iv), is title I of Pub. L. 101-646, Nov. 29, 1990, 104 Stat. 4761, which is classified principally to chapter 67 (§4701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4701 of this title and Tables.

Executive Order 13340, referred to in subsec. (b)(2)(B)(vi), is Ex. Ord. No. 13340, May 18, 2004, 69 F.R. 29043, which is set out as a note under section 1268 of title 33, Navigation and Navigable Waters.

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (e)(5), is Pub. L. 93-638,

¹ See References in Text note below.

Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians, prior to editorial reclassification as chapter 46 (§5301 et seq.) of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 25 and Tables.

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted substantially identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b).

AMENDMENTS

2016—Subsec. (b)(2)(B)(vii), (viii). Pub. L. 114-322, §3901(c)(1), added cls. (vii) and (viii).

Subsec. (c)(2)(C). Pub. L. 114-322, §3901(c)(2), struck out “Great Lakes Coordinator of the” before “United States Fish and Wildlife Service”.

Subsec. (e)(1). Pub. L. 114-322, §3901(c)(3)(A), designated existing provisions as subpar. (A) and inserted heading, substituted “Except as provided in paragraphs (3) and (5) and subject to paragraph (2), not less than 25 percent of the cost of implementing a proposal or regional project” for “Except as provided in paragraphs (2) and (4), not less than 25 percent of the cost of implementing a proposal”, and added subpar. (B).

Subsec. (e)(2) to (5). Pub. L. 114-322, §3901(c)(3)(B), (C), added par. (2) and redesignated former pars. (2) to (4) as (3) to (5), respectively.

2006—Pub. L. 109-326 amended section generally. Prior to amendment, section related to identification, review, and implementation of proposals.

1998—Pub. L. 105-265 amended section generally, substituting present provisions for provisions requiring a Great Lakes fishery resources restoration study and development of proposals for implementing recommendations.

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2005, which enacted this section.

§ 941d. Goals of United States Fish and Wildlife Service programs related to Great Lakes fish and wildlife resources

In administering programs of the United States Fish and Wildlife Service related to the Great Lakes Basin, the Director shall seek to achieve the following goals:

- (1) Restoring and maintaining self-sustaining fish and wildlife resources.
- (2) Minimizing the impacts of contaminants on fishery and wildlife resources.
- (3) Protecting, maintaining, and, where degraded and destroyed, restoring fish and wildlife habitat, including the enhancement and creation of wetlands that result in a net gain in the amount of those habitats.
- (4) Stopping illegal activities adversely impacting fishery and wildlife resources.
- (5) Restoring threatened and endangered species to viable, self-sustaining levels.
- (6) Protecting, managing, and conserving migratory birds.

(Pub. L. 101-537, title I, §1006, Nov. 8, 1990, 104 Stat. 2373; Pub. L. 101-646, title II, §2006, Nov. 29, 1990, 104 Stat. 4777; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §3(b), Oct. 19, 1998, 112 Stat. 2358; Pub. L. 109-326, §5, Oct. 11, 2006, 120 Stat. 1764.)

Editorial Notes

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265.

AMENDMENTS

2006—Par. (1). Pub. L. 109-326 added par. (1) and struck out former par. (1) which read as follows: “Restoring and maintaining self-sustaining fishery resource populations.”

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2006, which enacted this section.

§ 941e. Establishment of offices

(a) Lower Great Lakes Fish and Wildlife Conservation Office

(1) In general

The Director shall establish an office with necessary administrative and technical support services to carry out all United States Fish and Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the lower Great Lakes.

(2) Name and location

The office shall be known as the “Lower Great Lakes Fish and Wildlife Conservation Office”, and shall be centrally located in the lower Great Lakes so as to facilitate fishery resource restoration and enhancement activities relating to the lower Great Lakes.

(3) Responsibilities

The responsibilities of the Lower Great Lakes Fish and Wildlife Conservation Office shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Lower Great Lakes.

(b) Upper Great Lakes Fish and Wildlife Conservation Offices

(1) In general

The Director shall establish one or more offices with necessary administrative and technical support services to carry out United States Fish and Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the upper Great Lakes.

(2) Name and location

Each of the offices shall be known as an “Upper Great Lakes Fish and Wildlife Conservation Office”, and shall be appropriately located so as to facilitate fishery resource activities in the upper Great Lakes.

(3) Responsibilities

The responsibilities of the Upper Great Lakes Fish and Wildlife Conservation Offices shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Upper Great Lakes.

(Pub. L. 101-537, title I, §1007, Nov. 8, 1990, 104 Stat. 2374; Pub. L. 101-646, title II, §2007, Nov. 29, 1990, 104 Stat. 4777; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §3(b), Oct. 19, 1998, 112 Stat. 2358; Pub. L. 109-326, §6, Oct. 11, 2006, 120 Stat. 1764; Pub. L. 114-322, title III, §3901(d), Dec. 16, 2016, 130 Stat. 1850.)

Editorial Notes**CODIFICATION**

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted substantially identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-322, §3901(d)(3), (4), redesignated subsec. (b) as (a) and struck out former subsec. (a) which related to establishment of the Great Lakes Coordination Office.

Subsec. (b). Pub. L. 114-322, §3901(d)(4), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a).

Pub. L. 114-322, §3901(d)(1), substituted “Fish and Wildlife Conservation” for “Fishery Resources” in heading and in pars. (2) and (3).

Subsec. (c). Pub. L. 114-322, §3901(d)(4), redesignated subsec. (c) as (b).

Pub. L. 114-322, §3901(d)(2), substituted “Fish and Wildlife Conservation” for “Fishery Resources” in heading and in pars. (2) and (3).

2006—Subsec. (a). Pub. L. 109-326, §6(1), added subsec. (a) and struck out former subsec. (a). Text read as follows: “The Director shall establish a centrally located facility for the coordination of all United States Fish and Wildlife Service activities in the Great Lakes Basin, to be known as the ‘Great Lakes Coordination Office’. The functional responsibilities of the Great Lakes Coordination Office shall include intra- and interagency coordination, information distribution, and public awareness outreach. The Great Lakes Coordination Office shall include all administrative and technical support necessary to carry out its responsibilities.”

Subsec. (b). Pub. L. 109-326, §6(2), designated first and second sentences of subsec. (b) as pars. (1) and (2), respectively, inserted headings, and added par. (3).

Subsec. (c). Pub. L. 109-326, §6(3), designated first and second sentences of subsec. (c) as pars. (1) and (2), respectively, inserted headings, and added par. (3).

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2007, which enacted this section.

§ 941f. Reports**(a) In general**

Not later than December 31, 2021, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

- (1) actions taken to solicit and review proposals under section 941c of this title;
- (2) the results of proposals implemented under section 941c of this title; and
- (3) progress toward the accomplishment of the goals specified in section 941d of this title.

(b) Public access to data

For each of fiscal years 2016 through 2020, the Director shall make available through a public access website of the Department information that describes—

- (1) actions taken to solicit and review proposals under section 941c of this title;
- (2) the results of proposals implemented under section 941c of this title;
- (3) progress toward the accomplishment of the goals specified in section 941d of this title;
- (4) the priorities proposed for funding in the annual budget process under this chapter; and
- (5) actions taken in support of the Great Lakes Restoration Initiative Action Plan based on the recommendations of the Great Lakes Regional Collaboration authorized

under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

(c) Continued monitoring and assessment of study findings and recommendations

The Director—

(1) shall continue to monitor the status, and the assessment, management, and restoration needs, of the fish and wildlife resources of the Great Lakes Basin; and

(2) may reassess and update, as necessary, the findings and recommendations of the Report.

(Pub. L. 101-537, title I, §1008, Nov. 8, 1990, 104 Stat. 2374; Pub. L. 101-646, title II, §2008, Nov. 29, 1990, 104 Stat. 4777; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §§3(b), 7, Oct. 19, 1998, 112 Stat. 2358, 2361; Pub. L. 109-326, §7, Oct. 11, 2006, 120 Stat. 1765; Pub. L. 114-322, title III, §3901(e), Dec. 16, 2016, 130 Stat. 1850.)

Editorial Notes**REFERENCES IN TEXT**

Executive Order 13340, referred to in subsec. (b)(5), is Ex. Ord. No. 13340, May 18, 2004, 69 F.R. 29043, which is set out as a note under section 1268 of Title 33, Navigation and Navigable Waters.

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted substantially identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b).

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-322, §3901(e)(1), substituted “2021” for “2011” in introductory provisions.

Subsec. (b). Pub. L. 114-322, §3901(e)(2)(A), substituted “2016 through 2020” for “2007 through 2012” in introductory provisions.

Subsec. (b)(5). Pub. L. 114-322, §3901(e)(2)(B), inserted “the Great Lakes Restoration Initiative Action Plan based on” after “in support of”.

Subsec. (c). Pub. L. 114-322, §3901(e)(3), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “Not later than June 30, 2007, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives the 2002 report required under this section as in effect on the day before October 11, 2006.”

2006—Pub. L. 109-326 amended section catchline and text generally. Prior to amendment, text read as follows: “On December 31, 2002, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

“(1) actions taken to solicit and review proposals under section 941c of this title;

“(2) the results of proposals implemented under section 941c of this title; and

“(3) progress toward the accomplishment of the goals specified in section 941d of this title.”

1998—Pub. L. 105-265 amended section generally, substituting present provisions for provisions which had required report not later than 1 year after date of enactment and annually thereafter.

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2008, which enacted this section.

Statutory Notes and Related Subsidiaries**CHANGE OF NAME**

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House

of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 941g. Authorization of appropriations

(a) Authorization

There are authorized to be appropriated to the Director for each of fiscal years 2016 through 2021—

(1) \$6,000,000 to implement fish and wildlife restoration proposals as selected by the Director under section 941c(e) of this title, of which—

(A) not more than the lesser of 33 1/3 percent or \$2,000,000 may be allocated to implement regional projects by the United States Fish and Wildlife Service, as selected by the Director under section 941c(e) of this title; and

(B) the lesser of 5 percent or \$300,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity; and

(2) \$2,000,000, which shall be allocated for the activities of the Upper Great Lakes Fish and Wildlife Conservation Offices and the Lower Great Lakes Fish and Wildlife Conservation Office under section 941e of this title.

(b) Prohibition on use of funds for Federal acquisition of interests in land

No funds appropriated or used to carry out this chapter may be used for acquisition by the Federal Government of any interest in land.

(Pub. L. 101-537, title I, §1009, Nov. 8, 1990, 104 Stat. 2374; Pub. L. 101-646, title II, §2009, Nov. 29, 1990, 104 Stat. 4778; Pub. L. 104-332, §2(h)(1), (2), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §§3(b), 8, Oct. 19, 1998, 112 Stat. 2358, 2361; Pub. L. 109-326, §9, Oct. 11, 2006, 120 Stat. 1766; Pub. L. 114-322, title III, §3901(f), (g), Dec. 16, 2016, 130 Stat. 1850, 1851.)

Editorial Notes

CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted substantially identical provisions of subsec. (a), but Pub. L. 101-537 did not enact a subsec. (b). Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b).

AMENDMENTS

2016—Pub. L. 114-322, §3901(g), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 114-322, §3901(f)(1) substituted “2016 through 2021” for “2007 through 2012” in introductory provisions.

Par. (1). Pub. L. 114-322, §3901(f)(2)(A), substituted “\$6,000,000” for “\$14,000,000” in introductory provisions.

Par. (1)(A). Pub. L. 114-322, §3901(f)(2)(B), substituted “\$2,000,000” for “\$4,600,000”.

Par. (1)(B). Pub. L. 114-322, §3901(f)(2)(C), substituted “\$300,000” for “\$700,000”.

Par. (2). Pub. L. 114-322, §3901(f)(3), substituted “the activities of the Upper Great Lakes Fish and Wildlife Conservation Offices and the Lower Great Lakes Fish and Wildlife Conservation Office under section 941e of this title” for “the activities of the Great Lakes Coordination Office in East Lansing, Michigan, of the Upper Great Lakes Fishery Resources Office, and the Lower Great Lakes Fishery Resources Office under section 941e of this title”.

2006—Pub. L. 109-326 amended section generally, substituting provisions authorizing appropriations for fiscal years 2007 to 2012 for provisions authorizing appropriations for fiscal years 1999 to 2004.

1998—Pub. L. 105-265 amended section generally, substituting provisions authorizing appropriations for fiscal years 1999 to 2004 for provisions authorizing appropriations for fiscal years 1991 to 1994 to conduct a study under section 941c of this title and for fiscal years 1991 to 1995 to establish and operate Great Lakes Coordination and Upper and Lower Great Lakes Fishery Resources Offices.

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2009, which enacted this section.

§ 941h. Great Lakes monitoring, assessment, science, and research

(a) Definitions

In this section:

(1) Director

The term “Director” means the Director of the United States Geological Survey.

(2) Great Lakes Basin

The term “Great Lakes Basin” means the air, land, water, and living organisms in the United States within the drainage basin of the Saint Lawrence River at and upstream from the point at which such river and the Great Lakes become the international boundary between Canada and the United States.

(b) Findings

Congress finds the following:

(1) The Great Lakes support a diverse ecosystem, on which the vibrant and economically valuable Great Lakes fisheries depend.

(2) To continue successful fisheries management and coordination, as has occurred since signing of the Convention on Great Lakes Fisheries between the United States and Canada on September 10, 1954, management of the ecosystem and its fisheries require sound, reliable science, and the use of modern scientific technologies.

(3) Fisheries research is necessary to support multi-jurisdictional fishery management decisions and actions regarding recreational and sport fishing, commercial fisheries, tribal harvest, allocation decisions, and fish stocking activities.

(4) President Richard Nixon submitted, and the Congress approved, Reorganization Plan No. 4 (84 Stat. 2090), conferring science activities and management of marine fisheries to the National Oceanic and Atmospheric Administration.

(5) Reorganization Plan No. 4 expressly excluded fishery research activities within the Great Lakes from the transfer, retaining management and scientific research duties within the already-established jurisdictions under the 1954 Convention on Great Lakes Fisheries, including those of the Great Lakes Fishery Commission and the Department of the Interior.

(c) Monitoring, assessment, science, and research

(1) In general

The Director may conduct monitoring, assessment, science, and research, in support of the binational fisheries within the Great Lakes Basin.

(2) Specific authorities

The Director shall, under paragraph (1)—

(A) execute a comprehensive, multi-lake, freshwater fisheries science program;

(B) coordinate with and work cooperatively with regional, State, tribal, and local governments; and

(C) consult with other interested entities groups, including academia and relevant Canadian agencies.

(3) Included research

To properly serve the needs of fisheries managers, monitoring, assessment, science, and research under this section may include—

(A) deepwater ecosystem sciences;

(B) biological and food-web components;

(C) fish movement and behavior investigations;

(D) fish population structures;

(E) fish habitat investigations;

(F) invasive species science;

(G) use of existing, new, and experimental biological assessment tools, equipment, vessels, other scientific instrumentation and laboratory capabilities necessary to support fishery management decisions; and

(H) studies to assess impacts on Great Lakes Fishery resources.

(4) Savings clause

Nothing in this section is intended or shall be construed to impede, supersede, or alter the authority of the Great Lakes Fishery Commission, States, and Indian tribes under the Convention on Great Lakes Fisheries between the United States of America and Canada on September 10, 1954, and the Great Lakes Fishery Act of 1956 (16 U.S.C. 931 et seq.).

(d) Authorization of appropriations

For each of fiscal years 2021 through 2025, there is authorized to be appropriated \$15,000,000 to carry out this section.

(Pub. L. 116-94, div. P, title II, §201, Dec. 20, 2019, 133 Stat. 3184.)

Editorial Notes**REFERENCES IN TEXT**

Reorganization Plan No. 4, referred to in subsec. (b)(4), (5), probably means Reorganization Plan No. 4 of 1970, which is set out as a note under section 1511 of title 15, Commerce and Trade, and in the Appendix to Title 5, Government Organization and Employees.

The Great Lakes Fishery Act of 1956, referred to in subsec. (c)(4), is act June 4, 1956, ch. 358, 70 Stat. 242, which is classified generally to chapter 15A (§931 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 931 of this title and Tables.

CODIFICATION

Section was enacted as part of the Further Consolidated Appropriations Act, 2020, and not as part of the Great Lakes Fish and Wildlife Restoration Act of 1990 which comprises this chapter.

CHAPTER 15C—GREAT LAKES FISH AND WILDLIFE TISSUE BANK

Sec.	
943.	Tissue bank.
943a.	Data base.

Sec.	
943b.	Definitions.
943c.	Authorization of appropriations.

§ 943. Tissue bank**(a) In general**

The Secretary shall coordinate existing facilities for the storage, preparation, examination, and archiving of tissues from selected Great Lakes fish and wildlife, which shall be known as the “Great Lakes Fish and Wildlife Tissue Bank”.

(b) Guidance

The Secretary shall, in consultation with appropriate Federal and State agencies and the Council of Great Lakes Research Managers, issue guidance, after an opportunity for public review and comment, for Great Lakes fish and wildlife tissue collection, preparation, archiving, quality control procedures, and access that will ensure—

(1) appropriate uniform methods and standards for those activities to provide confidence in Great Lakes fish and wildlife tissue samples used for research;

(2) documentation of procedures used for collecting, preparing, and archiving those samples; and

(3) appropriate scientific use of the tissues in the Great Lakes Fish and Wildlife Tissue Bank.

(Pub. L. 102-440, title II, §202, Oct. 23, 1992, 106 Stat. 2233.)

Statutory Notes and Related Subsidiaries**SHORT TITLE**

Pub. L. 102-440, title II, §201, Oct. 23, 1992, 106 Stat. 2233, provided that: “This title [enacting this chapter] may be cited as ‘The Great Lakes Fish and Wildlife Tissue Bank Act’.”

§ 943a. Data base**(a) Maintenance**

The Secretary shall maintain a central data base which provides an effective means for tracking and assessing relevant reference data on Great Lakes fish and wildlife, including data on tissues collected for and maintained in the Great Lakes Fish and Wildlife Tissue Bank.

(b) Access

The Secretary shall establish criteria, after an opportunity for public review and comment, for access to the data base which provides for appropriate use of the information by the public.

(Pub. L. 102-440, title II, §203, Oct. 23, 1992, 106 Stat. 2233.)

§ 943b. Definitions

In this chapter—

(1) “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(2) “Great Lakes fish and wildlife” means fauna, fish, and invertebrates dependent on Great Lakes resources, and located within the Great Lakes Basin.

(Pub. L. 102-440, title II, §204, Oct. 23, 1992, 106 Stat. 2233.)